

Application No. 10/679,659
Amendment dated 01/05/2006
Reply to Office Action of 10/05/2005

02-ASD-270 (EM)

REMARKS

§ 112 rejection

Claims 1-8 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claims 1 and 6 to obviate the informalities helpfully noted by the Examiner. Applicant has clarified that the gasketed joint refers to the joint or juncture between the first and second gaskets that is sealed by the claimed sealant. Withdrawal of the rejection is therefore respectfully requested.

§ 103 rejections

Claims 1 and 3-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,029,730 to Parrish et al. ("Parrish"). Applicant respectfully traverses this rejection.

Contrary to the Examiner's assertion, Parrish does not show the claimed first and second gaskets. Instead, Parrish only shows a single gasket 14 that runs around the entire periphery of the electrotape 10 (col. 2 lines 67-69). Because Parrish does not show two gaskets whose edges form a pocket, it also fails to show any type of gasketed joint between two gaskets. Further, the sections of the single gasket 14 in Parrish are too far apart to even be considered a joint of any kind. One of ordinary skill in the art would not have considered it possible for a gasket to form a joint with itself, nor would he/she have viewed the large space between the gasket portions 14 shown in the cross-sectional diagram of Figure 2 as a structure that could reasonably be called a joint.

Because Parrish fails to show a first gasket and a second gasket and fails to show a joint between two adjacent gaskets, the Examiner fails to establish a prima facie case of obviousness with respect to claims 1 and 3-8. Withdrawal of the rejection is respectfully requested.

Claims 1, 2, 3 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,431,549 to Hill et al. ("Hill"). Applicant respectfully traverses this rejection.

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The Examiner has not explained how the sealant carrier strips 204 in Hill are readable on the claimed first and second gaskets, particularly when a gasket is known in the art to refer to a component that is placed between two parts to form a liquid and/or vapor tight seal. The sealant carrier strips shown in Hill are clearly not gaskets; instead, they are strips of flexible porous material (col. 8, lines 44-46) and cannot perform any type of sealing function like a gasket. One of ordinary skill in the art would not have equated the sealant carrier strips with the claimed gaskets. Because Hill fails to show any gasket, Hill fails to teach a gasketed joint having a sealant between first and second gaskets. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-5 were provisionally rejected under the judicially-created doctrine of obviousness-type double patenting over claims 1, 2 and 5 of co-pending application number 10/673,807. Applicant files herewith a terminal disclaimer to obviate the double patenting rejection. Withdrawal of the rejection is therefore respectfully requested.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. 05-0275.

Respectfully submitted,



Dated: 01/05/2006

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